IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 9289 of 2004

Between:
M/s Eastern Power Distribution Company of AP. Limited D.No.30-14-9, Sai Shakthi Bhavan, Opp.Saraswathi Park, Daba Gardens, Visakhapatnam, rep. by its Chairman & Managing Director Sri. Y.Gopala Krishna Murthy.

..... PETITIONER

AND
1 Commerical Tax Officer, Chinawaltair Circle, Visakhapatnam
2 Appellate Deputy Commissioner, Visakhapatnam.
3 Additional Commissioner (CT) (L) Andhra Pradesh , hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus granting stay of collection of the disputed entry tax of Rs. 2,62,93,531/- and Rs. 68,91,582/- for the years 2002-2003 and 2003-04 respectively under the AP. Tax on Entry of Goods into Local Areas Act, 2001 pursuant to the stay rejection orders of the third respondent dt. 21/04/2004 passed in CCT's Ref.LV(3)/960/2004 pending disposal of the appeal before the second respondent.

For the Petitioner:MR.S.KRISHNA MURTHY, Advocate.

For the Respondents : GP FOR COMMERCIAL TAXES

The Court Made the Following :

ORDER : (Per Sri Bilal Nazki, J):

It is submitted that an appeal is pending, which is posted to 08.07.2004. In these circumstances, we feel that the petitioner should await the orders in appeal. The Writ Petition is disposed of with liberty to the petitioner to approach this Court if he is aggrieved of the orders passed by the appellate authority. The stay granted by this Court on 25.5.2004 shall continue till the disposal of the appeal by the appellate authority.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

30th June, 2004.

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(P.S.NARAYANA,J)

ajr.

To

1 Commerical Tax Officer, Chinawaltair Circle, Visakhapatnam
2 Appellate Deputy Commissioner, Visakhapatnam.

3 Additional Commissioner (CT) L Andhra Pradesh , hyderabad
4 Two copies to the Government Pleader for Commercial Taxes, High Court buildings, Hyderabad (O.U.T).
5 Two C.D. copies.